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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,579	01/04/2001	Hideobu Nishida	0969-0171P	2025

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EXAMINER

LAMB, BRENDA A

ART UNIT PAPER NUMBER

1734

DATE MAILED: 01/13/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application N.

09/753,579

Applicant(s)

Nishide et al

Examiner

LAMB

Group Art Unit

1734

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 11/27/02
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-15 is/are pending in the application.
- ☐ Of the above claim(s) is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☒ Claim(s) 1-15 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
  - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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The restriction requirement has been withdrawn in view of amendment filed 11/27/02.

Claims 1-6 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The originally filed specification fails to teach or suggest how swinging the carrier above the treatment bath at right angles relative to the direction of travel would result in the workpiece being immersed and emerged from the treatment bath.

The originally filed specification teaches as well as shows that workpiece and carrier are swung  $180^{\circ}$ , not the claimed  $90^{\circ}$  or right angle, to immerse and emerge the workpiece from the treatment bath.

Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 7 and 11 are confusing since it is unclear how the recitation of a treatment bath or a treating section further limits a conveyance/conveyor system with the treating system or treatment bath not part of a conveyor. It is suggested that applicant make the following changes: at line 1 of claim 1 delete "A conveyance" and insert -- An --; at line 1 of claim 7 delete "The conveyance apparatus for" insert -- An apparatus for treating and --; and at line 1 of claim 11 delete "A conveyance apparatus for" and insert -- An apparatus for treating and --. It is unclear how the recitation that the "apparatus is constituted to treat each workpiece in accordance with treating conditions" in claim 7 further limits the claim especially since it unclear what the term "constituted" encompasses. It is unclear how recitation at line 3 of claim 8 that "treatment is a

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pretreatment process” or at line 3 of claim 9 that “treatment is a drying process” further limits the claim since it fails to set forth any structural limitation. The term “the direction of travel” in claim 1 and 6 lacks proper antecedent and unclear what traveling element of the apparatus one is referring to. The term “the conveyor” at lines 4-5 of claim 12 lacks proper antecedent basis. The “and the like” at line 4 and 8 claim 1, at line 3 of claim 2, at line 2 of claim 3 and claim 4, at lines 3-4 of claim 5, and at line 5, line 6, line 8 of claim 6 is vague and indefinite since it is unclear what it encompasses since it is unclear as to the breadth of the claim limitations. Claim 13 is confusing since it is unclear how “a single conveyor” relates to “the conveyor” set forth in claim 7 upon which claim 13 depends. Claim 13 is confusing since it is unclear how “a workpiece” set forth at line 3 relates to the workpiece set forth in claim 7 upon which claim 13 depends. The term “the direction of travel of a carrier” in claim 12 lack proper antecedent basis and unclear how it relates to the direction of travel of the conveyor. Claim 15 is confusing since it is unclear how “a single conveyor” relates to “the conveyor” set forth in claim 12 upon which claim 15 depends. Claims 5 is confusing since it unclear how the recitation that “a tact conveyance method is employed” further limits apparatus claim since it fails to set forth any structural limitation.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 7-9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Speaker 3,034,665.

Speaker teaches the design of a conveyance apparatus for conveying different kinds of workpieces. The plurality of receiving means 6 are arranged on each side of the conveyor and obviously reads on applicant's broadly claimed treating section or handling section since sorted material in the means 6 is conventionally further handled. Speaker teaches workpiece on the conveyor can be horizontally rotated to the right or left side of the direction of travel of the conveyor. Speaker also teaches that a control system which enables one to discharge the workpiece onto a specific treating section. The recitation that the treatment process is a pretreatment process or a drying process subsequent to a painting process in a paint line fails to set forth any structure and therefore reads on the Speaker apparatus especially it is conventional to sort items before painting.

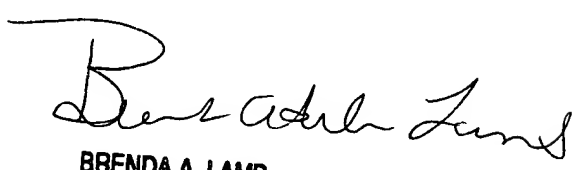
Claims 1, 3-6 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Case.

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Case teaches a method and apparatus for coating which is comprised of a treatment bath and conveying system which is arranged such that the workpiece is supported above the conveyor through a carrier and the carrier is swing above the treatment bath through a right angle relative to the direction of travel after stopping to cause the workpiece to be immersed and emerged from the treatment bath. The recitation that the carrier is swung at right angles is interpreted by the examiner as meaning the carrier is swung at a angle which includes a right angle at least at one point in travel. Thus Case appears to teach each of the elements and steps set forth in claims 1, 4 and 6. With respect to claims 3-4, Case shows the conveyor is positioned in one level plane. Case teaches that there are a plurality of treatment bath in series. With respect to claim 12, the same rejection applied to claim 6 is applied here. The recitation of rotating horizontally the workpiece on the conveyor either to the right or left side of the travel of the carrier does not define applicant's invention over Case since Case teaches rotating the workpiece to one side of the conveyor to treat the workpiece in the treatment bath.

Any inquiry concerning this communication should be directed to Brenda Lamb at telephone number 703-308-2056. The examiner can normally be reached on Monday and Wednesday through Friday with alternate Tuesdays off.

B. A. Lamb/mn  
January 10, 2003



BRENDA A. LAMB  
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